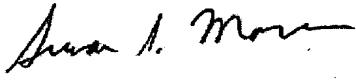




Doc Code: AP.PRE.REQ

PTO/SB/33 (07-09)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number	Filed
		10/784,472	February 24, 2004
		First Named Inventor	
		David BRADY, et al.	
		Art Unit	Examiner
		2622	U.A. Khan
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 35,292 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p> _____ Signature</p> <p>Suan S. Morse _____ Typed or printed name</p> <p>703-207-0008 _____ Telephone number</p> <p>April 12, 2010 _____ Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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BOX AFTER FINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

David BRADY, et al.

Art Unit: 2622

Serial No. 10/784,472

Examiner: Usman A. Khan

Filed: February 24, 2004

Confirmation No. 1758

For: FOCAL PLANE CODING FOR DIGITAL
IMAGING

Attorney Docket No. 280/102

REASONS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: BOX AF
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Sir:

INTRODUCTORY COMMENTS

In response to the Office Action Made Final mailed November 10, 2009, the period for response having been extended two (2) months to April 10, 2010 (Saturday), and the Notice of Appeal filed concurrently herewith, the following is respectfully submitted in connection with the above-identified application:

Claims 1-40 are currently pending in the subject application. Claims 1, 12, and 30 are independent.

A. Introduction

In the outstanding Office Action Made Final, all of the claims were rejected in view of the U.S. Patent No. 7,009,652 to Tanida et al. ("the Tanida et al. reference"), either alone or in combination with secondary references. In particular, independent claim 30 was rejected under § 102(e) over the Tanida et al. reference and independent claims 1 and 12 were rejected under 35 U.S.C. § 103(a) over the Tanida et al. reference in view of U.S. Patent No. 7,003,177 to Mendlovic et al. ("the Mendlovic et al. reference"). The remaining claims depend from respective ones of these independent claims, and were rejected under the same grounds or in view of additional secondary references.

B. Errors and Deficiencies in the Outstanding Rejections

i. Anticipation Rejection

In the outstanding Office Action Made Final, claims 30, 33, and 34 were rejected under 35 U.S.C. § 102(e) as being unpatentable the Tanida et al. reference. This rejection is respectfully traversed for at least the reasons set forth below.

Claim 30 recites, in part, “each image blocking portion being smaller than a detector” and that “an output of the plurality of detectors together representing an input image multiplied by a selected transform matrix.”

In contrast, the Tanida et al. reference only teaches using different polarizing elements per unit, which, as can be seen in FIG. 1 of the Tanida et al. reference, clearly is larger than a detector, as multiple detectors are included in the unit. In response, the outstanding Office action asserts that each of the filters 4a can be broken down as each filter 4a including a plurality of polarizing beam splitters, resulting in “each image blocking portion being smaller than a detector.”¹ However, the Tanida et al. reference teaches that a polarization element 4a is provided for each unit² and that a unit contains multiple sensing elements.³ Therefore, each polarization element 4a in the Tanida et al. is **not** smaller than a detector.

Further, while the Tanida et al. reference may disclose using an inverse matrix method for post processing of the image, the use of the polarizing elements 4a in the Tanida et al. reference as “blocking portions” does not result in the output being an input image multiplied by a selected transform matrix. In particular, while polarizing elements may block light, such blocking does not affect the information in the image itself such that the output of the detectors represent an input image multiplied by a selected transform matrix. The polarizing elements 4a in the Tanida et al. reference reduce cross-talk between adjacent units and do **not** alter the input image.

Therefore, it is respectfully submitted that the Tanida et al. reference fails to disclose or suggest all of the limitations recited in claim 30. It is respectfully requested that this rejection be withdrawn.

¹ Office Action Made Final mailed November 10, 2009, page 2.

² The Tanida et al. reference, col. 6, line 30.

³ Id., line 15.

ii. Obviousness Rejection

In the outstanding Office Action Made Final, claims 1-4, 6, 9-13, 15-19, 21-29, 36-37, and 39-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in view of the Mendlovic et al. reference. In addition to incorporating the arguments presented in the Amendment dated June 24, 2009, in Section C., pages 8-10, this rejection is further respectfully traversed for at least the reasons set forth below.

The outstanding Office action addresses the previous arguments by asserting that the Mendlovic et al. reference teaches a configuration that enhances image resolution.⁴ However, this fails to address the argument that, while the Mendlovic et al. reference may disclose slits being smaller than a detector along one dimension, these slits do not constitute a pattern of sub-pixel resolution elements. Further, as noted above, the Tanida et al. reference also fails to disclose such sub-pixel resolution elements. Therefore, the combination of the Tanida and Mendlovic et al. references fails to suggest, much less disclose, a pattern of the multiple sub-pixels resolution elements being substantially the same for the plurality of detectors associated with a corresponding lens, as recited in claims 1 and 12. In particular, at most, the combination of the Tanida and Mendlovic et al. references would teach an imaging system including an array of units, each unit including a lens, a plurality of detectors corresponding to that lens, a single polarizing element, and a pattern of slits. In other words, even assuming that the pattern of slits constitutes a pattern of sub-pixel resolution elements, each detector in the plurality of detectors would be imaging a different section of the pattern of slits, such that the pattern of the multiple sub-pixel resolution elements would **not** be substantially for the plurality of detectors associated with a corresponding lens.

Therefore, it is respectfully submitted that this combination fails to suggest, much less disclose, all of the limitations recited in claims 1 and 12. It is respectfully requested that this rejection be withdrawn.

iii. Dependent Claims

The remaining secondary references fail to provide the teachings noted above as missing. The remaining dependent claims depend from various ones independent claims 1,

⁴ Office Action Made Final, mailed November 10, 2009, page 3.

12, and 30. Therefore, all of the claims are believed to be allowable for at least the reasons set forth above, and it is requested that all rejection be reconsidered and withdrawn.

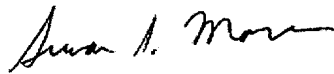
C. Conclusion

The above remarks demonstrate failings of the Examiner's rationales for the outstanding rejections, and are sufficient to overcome the outstanding rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, Applicants submit that the claims are allowable for reasons including, but not limited to, those set forth above, and patentability of the claims does not depend solely on the particular claim element discussed above.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing, applicants respectfully request a pre-appeal brief review of each of the outstanding rejections

Respectfully submitted,
LEE & MORSE, P.C.



Susan S. Morse, Registration No. 35,292

Date: April 12, 2010

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ATTACHMENTS:

NOTICE OF APPEAL
PETITION FOR TWO MONTH EXTENSION OF TIME
REQUEST FOR PRE-APPEAL BRIEF REVIEW

PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.